

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

- against -

ELEODOR PENCU

Defendant,

-----X

ORDER OF
JUDICIAL REMOVAL

22 Cr. 416 (ER)

Upon the application of the United States of America, by Lisa Daniels, Assistant United States Attorney, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of ELEODOR PENCU, and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native and a citizen of Romania.
3. The defendant was paroled into the United States at New York, New York on December 16, 2022.
4. The defendant was granted Significant Public Benefit Parole for a period of two days, for the purpose of criminal prosecution.
5. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, for Count One: Access Device Fraud, in violation of Title 18, United States Code, Sections 1029(a)(4) and 2.
6. The total maximum sentence of incarceration for Count One is a term of

imprisonment of fifteen years. The total maximum term of supervised release on Count One is three years.

7. The defendant is inadmissible and subject to removal pursuant to Section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act of 1952, as amended (“INA”), 8 U.S.C. § 1182(a)(2)(A)(i)(I), as an alien convicted of acts which constitute a crime involving moral turpitude; and Section 212(a)(7)(A)(i)(1) of the INA, 8 U.S.C. § 1182(a)(7)(A)(i)(1), as an applicant for admission who is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document.
8. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).
9. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.
10. The defendant has designated Romania as the country for removal pursuant to Section 240(d) of the Act, 8 U.S.C. § 1229a(d).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to Romania.

Dated: New York, New York
Dec. 8, 2023



THE HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE